

RENTON CITY COUNCIL
Regular Meeting

November 9, 1998
Monday, 7:30 p.m.

Council Chambers
Municipal Building

MINUTES

CALL TO ORDER

Mayor Jesse Tanner led the Pledge of Allegiance to the flag and called the meeting of the Renton City Council to order.

**ROLL CALL OF
COUNCILMEMBERS**

BOB EDWARDS, Council President; TONI NELSON; RANDY CORMAN; TIMOTHY SCHLITZER; KING PARKER; DAN CLAWSON; KATHY KEOLKER-WHEELER.

**CITY STAFF IN
ATTENDANCE**

JESSE TANNER, Mayor; JAY COVINGTON, Chief Administrative Officer; LAWRENCE J. WARREN, City Attorney; MARILYN PETERSEN, City Clerk; GREGG ZIMMERMAN, Planning/Building/Public Works Administrator; SUE CARLSON, Economic Development, Neighborhoods & Strategic Planning Administrator; BETTY NOKES, Economic Development Director; VICTORIA RUNKLE, Finance & Information Services Administrator; KAREN MARSHALL, Human Services Manager; LARRY MECKLING, Building Official; PAUL KUSAKABE, Fiscal Services Director; MIKE WEBBY, Human Resources & Risk Management Administrator; MICHAEL KATTERMANN, Director of Neighborhoods & Strategic Planning; JIM SHEPHERD, Community Services Administrator; STEVEN DENISON, Special Projects Coordinator; JULIE BREWER, Development Assistant; DEREK TODD, Finance Analyst; CHIEF GARRY ANDERSON, Police Department.

**APPROVAL OF
COUNCIL MINUTES**

MOVED BY EDWARDS, SECONDED BY SCHLITZER, COUNCIL APPROVE THE MINUTES OF NOVEMBER 2, 1998, AS PRESENTED. CARRIED.

PROCLAMATIONS

November 9 – 16:
“Architecture Week”

A proclamation by Mayor Tanner was read declaring the week of November 9 to 16, 1998, to be “Architecture Week” in the City of Renton, and urging all citizens to recognize architecture’s power to shape effective communities, serve society, and elevate the human spirit. MOVED BY EDWARDS, SECONDED BY CORMAN, COUNCIL CONCUR IN THE PROCLAMATION AS READ. CARRIED.

Rich Wagner and Dave Clark accepted the proclamation on behalf of the area’s architects.

November, 1998: “Spinal
Health Month”

A proclamation by Mayor Tanner was read declaring the month of November, 1998, to be “Spinal Health Month” in the City of Renton, and urging all citizens to recognize that spinal health is essential to proper growth and development. MOVED BY EDWARDS, SECONDED BY CORMAN, COUNCIL CONCUR IN THE PROCLAMATION AS READ. CARRIED.

Stephen Saunders accepted the proclamation on behalf of the 33 chiropractors who serve the City of Renton and the surrounding community.

SPECIAL PRESENTATION
Executive: City Web Site
National Award

Economic Development Director Betty Nokes announced that the City of Renton’s web site received a “Silver Circle” award from the City-County Communications and Marketing Association. Renton’s web site, designed by Steven Denison and Julie Brewer, took second place in the technology category for cities and counties ranging from 45,000 to 100,000 in population. Those judging the entries stated that Renton’s web site provides an elegant gateway to

loads of useful information.

Steven Denison and Julie Brewer presented the award to Mayor Tanner and the Council. Mr. Denison reported that Renton's web site received 6,200 hits this week, a tremendous increase over last year's average of 1,100 weekly hits. Ms. Brewer acknowledged assistance from members of the City's Web Team, comprised of employees from each department who maintain web pages and information respective to their departments.

PUBLIC MEETING

Annexation: Davis, 132nd Ave
SE (Union Ave NE)

This being the date set and proper notices having been posted and published in accordance with local and State laws, Mayor Tanner opened the public meeting to consider a 10% Notice of Intent to Annex Petition for 3.8 acres located east of 132nd Ave. SE (Union Ave. NE); petitioner, Davis.

Michael Kattermann, Director of Neighborhoods & Strategic Planning, explained that the 3.8 acres constitute one legal, vacant lot. Although staff and the proponent contacted other single family property owners to the north, east and south in an effort to expand the annexation area, everyone contacted declined to pursue annexation of their properties.

Renton's Comprehensive Plan designates the parcel as Residential Single Family. Typical zoning for this designation is R-8 (residential, up to eight dwelling units per acre).

Continuing, Mr. Kattermann said one potential problem involves emergency services response and the fact that the street already changes mid-block from Union Ave. NE to 132nd Ave. SE. He felt, however, that any concerns could be satisfactorily addressed through mutual aid and response.

Responding to Councilman Parker, Mr. Kattermann said Sierra Heights Elementary School is located on the other side of 132nd Ave. SE. The school property is contiguous to Renton's boundary, and could be annexed to the City at any time.

Audience comment was invited. There being none, it was MOVED BY EDWARDS, SECONDED BY CORMAN, COUNCIL: ACCEPT THE 10% NOTICE OF INTENT TO ANNEX, AUTHORIZE CIRCULATION OF THE 60% PETITION, REQUIRE THE ADOPTION OF CITY ZONING ON THE PROPERTY CONSISTENT WITH THE COMPREHENSIVE PLAN, AND REQUIRE THAT THE PROPERTY OWNERS ASSUME A PROPORTIONAL SHARE OF THE CITY'S BONDED INDEBTEDNESS. CARRIED.

PUBLIC HEARING

Budget: 1999-2000

This being the date set and proper notices having been posted and published in accordance with local and State laws, Mayor Tanner opened the public hearing to consider the proposed 1999-2000 Budget.

Victoria Runkle, Finance & Information Services Administrator, presented the proposed 1999-2000 City of Renton budget in the total balanced amounts of \$129,783,376 and \$115,485,981. She said that although the overall general governmental budget is expected to increase by 10.1% next year, this represents only 4.5% above the actual amount spent last year. Expenditure highlights in 1999 include four new police officers, two jailers, three firefighters, a new street maintenance worker, and increased funding for library materials and various neighborhood programs. On the revenue side, the only increase in property taxes will be for new construction, with base property tax collections remaining the

same as in 1998. Water utility rates will not increase either, but solid waste rates will rise by 5% to cover County-imposed costs.

Ms. Runkle concluded that the second and final public hearing on the budget will be held on November 23rd.

Audience comment was invited.

Mary Ellen Stone, representing King County Sexual Assault Resource Center, PO Box 300, Renton, 98057, asked the City to consider increasing the total amount of money it gives to human service agencies. While she suggested this would be easier to do in good economic times such as Renton is currently enjoying, she added that it would also be important in harder financial times.

Carol Chappelle, 2220 SE 8th Pl., Renton, stated that as a member of the Human Services Advisory Committee, she could attest that requests for human services funding are far greater than the amount of funding available. In fact, the Committee was able to fund only a little more than 60% of the requests it received. Ms. Chappelle remarked that, according to a survey of five local jurisdictions, Renton's per capita spending on human services is the lowest.

Juanita Grant, 833 SW Sunset Blvd., Renton, 98056, chair of the Human Services Advisory Committee, said that as human services needs are increasing, she urged the City to increase its human services funding accordingly.

There being no further public comment, it was **MOVED BY EDWARDS, SECONDED BY PARKER, COUNCIL CLOSE THE PUBLIC HEARING. CARRIED.**

ADMINISTRATIVE REPORT

Chief Administrative Officer Jay Covington reviewed a written administrative report summarizing the City's recent progress towards goals and work programs adopted as part of its business plan for 1998 and beyond. Items noted included:

- * On October 28, several Renton police officers participated in a "Driving Under the Influence" detection workshop to learn how to detect impaired drivers.
- * The Renton Salvation Army Advisory Board recently elected Renton Chief of Police Garry Anderson as its president and Renton Human Services Manager Karen Marshall as its vice president.
- * In October, the Recreation Division received over 3,000 hours of volunteer services to help run programs which, at the currently hourly minimum wage, equals more than \$15,000 of in-kind services.

CONSENT AGENDA

Items on the consent agenda are adopted by one motion which follows the listing.

Planning: Agreement with Kent
re: Potential Annexation Area
Boundaries

Economic Development, Neighborhoods & Strategic Planning Department recommended approval of an interlocal agreement with the City of Kent that would adjust Renton's southern potential annexation area boundary between SR-197 and Soos Creek from SE 208th St. to S. 200th St., west of 108th Ave. SE, and from SE 208th St. to SE 192nd St. east of 108th Ave. SE. Refer to Planning & Development Committee.

Airport: BHC Lease Addendum
(Ground Lease Rate Change)

Transportation Division recommended approval of Addendum #2-98 to LAG-93-004, lease with BHC, Inc., to reflect the ground lease rate change from \$0.280 to \$0.324 per square foot which results in an annual rent increase of \$2,157.96.

Council concur.

Streets: Oakesdale Ave SW
(Phase I), Boeing Funding

Transportation Systems Division recommended approval of a 1998 budget adjustment appropriating revenue received from The Boeing Company in the amount of \$1,712,000 for transportation improvements to the Oakesdale Ave. SW project - Phase I. Refer to Transportation Committee.

Public Works: Downtown
Water Main Replacement, DDJ
Const, CAG-98-005

Utility Systems Division submitted CAG-98-005, Downtown Water Main Replacement project; and requested approval of the project, authorization for final pay estimate in the amount of \$3,572.94, commencement of 60-day lien period, and release of retained amount of \$19,336.46 to D.D.J. Construction Inc., contractor, if all required releases are obtained. Council concur.

MOVED BY EDWARDS, SECONDED BY SCHLITZER, COUNCIL
APPROVE THE CONSENT AGENDA AS PRESENTED. CARRIED.

CORRESPONDENCE

Citizen Comment: Issaquah
School District – School
Impact Fees

Correspondence was read from Douglas R. Snyder, Assistant Superintendent, Issaquah School District 411, 565 NW Holly St., Issaquah, WA, 98027, requesting that Renton impose mitigation fees on its behalf if the City proceeds with annexing property within its jurisdiction. MOVED BY PARKER, SECONDED BY CORMAN, COUNCIL REFER THIS MATTER TO THE FINANCE COMMITTEE. CARRIED.

Councilman Corman urged the Committee to seek assurances from the School District that any money collected from development in Renton would benefit Renton residents. He said if Renton agrees to impose mitigation fees on behalf of the Issaquah School District, this correlation must be made.

Councilman Parker agreed, adding that the Renton School District does not impose development mitigation fees but rather obtains necessary funding through voter-approved bond issues and levies.

Councilmember Keolker-Wheeler said in the future, the City will probably want to address the problem of conflicting jurisdiction and special district boundaries, since confusion can result if someone has a Renton address, resides within the Issaquah School District, actually lives in unincorporated King County, and is served by a fire district. She suggested that some boundary line adjustments might be in order.

Citizen Comment: Juvenile
Court Conference Committee –
Meeting Space for Diversion
Program

Correspondence was read from Arlene Rankin, 275 SW 194th Pl., Normandy Park, WA, 98166, requesting meeting accommodations at City Hall for the Juvenile Court Conference Committee Diversion Program. MOVED BY EDWARDS, SECONDED BY NELSON, COUNCIL REFER THIS MATTER TO THE COMMUNITY SERVICES COMMITTEE. CARRIED.

OLD BUSINESS

Community Services Committee

Appointment: Human Rights &
Affairs Commission

Community Services Committee Chair Nelson presented a report recommending concurrence in the Mayor's appointment of David Fox to the Human Rights and Affairs Commission. The two-year term expires on September 19, 2000. MOVED BY NELSON, SECONDED BY CLAWSON, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

Public Safety Committee

Legal: Adoption of State Laws
re: Dangerous Weapons

Public Safety Committee Chair Corman presented a report regarding changes to the Criminal Code relating to dangerous weapons. The Committee convened on November 9, 1998 to consider enacting legislation relating to the adoption of State law regarding firearms and other dangerous weapons. The following sections would be added to Renton's City Code by reference:

RCW 9.41.240, which deals with individuals who are between 18 and 21 years

of age. It identifies where such an individual may possess a pistol. A violation of this section is a misdemeanor.

RCW 9.41.250, which makes sales, manufacture, etc. of certain weapons a crime. It also makes it a crime to furtively carry certain weapons, or use a silencer on a gun. A violation of this section is a gross misdemeanor.

RCW 9.41.260, which makes it a crime to run a place of amusement where they exhibit skill in throwing sharp instruments or shooting guns or bows at human beings. A violation of this section is a misdemeanor.

RCW 9.41.300, which identifies where people cannot go when they are carrying weapons. Violation of this section is a gross misdemeanor.

It was clear to the members of the committee that these State provisions should be incorporated into Renton's Code. It furthers the goals of this council to have a safe city in which people can live, work, and play. The Committee therefore recommended adoption of the proposed legislation. MOVED BY CORMAN, SECONDED BY NELSON, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

Transportation Committee

Utility: Puget Sound Energy
Agreement for Main Ave S
Underground Conversion

Transportation Committee Chair Schlitzer presented a report regarding an agreement with Puget Sound Energy (PSE) for the conversion of underground power lines on Main Ave. South. The Main Ave. S. improvement project requires the underground conversion of existing utilities. The Washington State Utilities and Transportation Commission requires the City to enter into an agreement with PSE to provide trenching, restoration, and survey, and to pay 30% of the conversion costs. The trenching, restoration and survey costs are in the current construction contract. The estimated conversion cost is \$290,000, \$87,000 of which is Renton's obligation to pay PSE upon completion of the work. The Committee recommended that Council authorize the Mayor and City Clerk to execute the underground conversion agreement with Puget Sound Energy. MOVED BY SCHLITZER, SECONDED BY CORMAN, COUNCIL CONCUR IN THE COMMITTEE REPORT CARRIED.

Transportation: NE 6th
Pl/Ferndale Ave NE Stop Sign
Request (Denied)

Transportation Committee Chair Schlitzer presented a report regarding the request for a stop sign at NE 6th Pl. and Ferndale Ave. NE. A traffic engineering study was conducted to provide information on the extent of possible safety issues at the intersection of NE 6th Pl. and Ferndale Ave. NE, and vicinity. Based upon this information, including an evaluation of accidents in the area and speed studies, it was found that, at this time, no additional traffic control devices are needed. The Committee recommended that Council authorize the Administration to periodically monitor NE 6th Pl. and Ferndale Ave. NE to determine when and if additional traffic control devices may become appropriate. In addition, the Committee recommended that Transportation Systems Division staff contact local residents to discuss their concerns and potential solutions. MOVED BY SCHLITZER, SECONDED BY CORMAN, COUNCIL CONCUR IN THE COMMITTEE REPORT CARRIED.

Transportation: Port Quendall
RR Xings (Conversion from
Private to Public)

Transportation Committee Chair Schlitzer presented a report recommending that the City Council authorize the Administration to apply to have the private railroad crossings serving the three parcels associated with the Port Quendall development (i.e., Baxter, Quendall Terminals and Barbee Mills sites) changed into public railroad crossings once the City has exercised its option to purchase the Quendall Terminals property and once the Administration receives adequate

assurances of ultimate development of these properties. The Committee further recommended that no public funds be used for any costs associated with the development of these crossings. MOVED BY

SCHLITZER, SECONDED BY KEOLKER-WHEELER, COUNCIL CONCUR IN THE COMMITTEE REPORT CARRIED.

Parks: Family Pool Bond Issue

Councilman Parker noted that the family pool bond issue put forth by the City to voters last week has apparently failed to achieve the required 60% super-majority approval. He thanked many of those who supported the bond issue and tried to secure its passage. He then noted that while the bond issue failed, it was approved by over 57% of those who voted, indicating that a good number of Renton residents desire this type of facility. Therefore, it was moved by Parker, seconded by Corman, Council refer this matter to the Finance Committee with the intention of having the Administration review this issue and possible funding sources.*

Explaining he had seconded the motion for the purposes of discussion, Mr. Corman said while he respected the fact that the bond issue was turned down, he also felt that the City has an obligation to look into replacing a public pool facility that it had to close.

Council President Edwards said while he strongly supported the bond issue and was disappointed that it did not pass, he believed that the City should not take any further action on this matter at this time. He suggested that the City instead wait to be approached by those who are willing to get involved and bring forth a new proposal. Councilmembers Nelson and Keolker-Wheeler concurred.

*The motion was withdrawn.

Utilities Committee

Utility: Langlois Sewer
Connection Request

Utilities Committee Chair Clawson presented a report recommending that the City deny the Langloises' request for relief from the special assessment district charges associated with connection of their property at 10403 - 126th Ave. SE to the City's sanitary sewer system, and that no action be taken to revise City Code. The Committee further recommended that the Administration contact the King County Department of Assessments and the Seattle-King County Department of Public Health to suggest a review of the qualification requirements for deferral of special assessment district fees to reflect cost of living increases and/or special situations. MOVED BY CLAWSON, SECONDED BY SCHLITZER, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

Councilmen Clawson and Schlitzer explained that King County already has a program for deferment of special assessment district charges, and it is not in Renton's best interest to duplicate this program.

Planning & Development Committee

Legal: City Council
Elimination as Appellate Body
for Hearing Examiner
Decisions

Planning & Development Committee Chair Keolker-Wheeler presented a report recommending the elimination of City Council as an appellate body for Hearing Examiner decisions. The Committee met on this topic on Thursday, November 5th. This issue was first raised by the recent Supreme Court case of *Mission Springs v. City of Spokane*, wherein individual councilmembers were held to be potentially liable in damages to a developer because of interference with the issuance of a grading permit. The City Attorney explained to the Council that the logic of that case would also extend to city councilmembers sitting as appeals officers when handling appeals from decisions of the Hearing Examiner. The Committee also noted that the appeal system is generally very structured in that the Council must find an error in fact or law. When combined with the

appearance of fairness doctrine, which prevents city councilmembers from discussing pending appeals with constituents, the appeal process is confining and frustrating to both Councilmembers and constituents. For these reasons, the Committee recommended that the full Council request the City Attorney to draft an ordinance making all appeals from Hearing Examiner decisions appealable to Superior Court and not to the City Council. The City Council will retain its jurisdiction, as required by statute, to handle all rezones. **MOVED BY KEOLKER-WHEELER, SECONDED BY CLAWSON, COUNCIL CONCUR IN THE COMMITTEE REPORT.***

Councilmember Keolker-Wheeler explained that when the Council hears appeals as a quasi-judicial body, it must make its decision on the record without any new testimony from the parties involved. This is frustrating to those who come to Council with the expectation that it can help them, or at least hear them out, and consequently is frustrating to Council as well. Ms. Keolker-Wheeler added that those involved in an appeal cannot even speak to Councilmembers on the phone about the specifics of their case, which prevents Councilmembers from listening to its constituents about issues that deeply affect or concern them. She concluded that many of the issues being appealed to the Council involve highly technical issues that should be dealt with at either the administrative or Hearing Examiner level.

Council President Edwards expressed concern with the proposed change, saying that Council is best suited to hear these appeals because, as the legislative body, it approved the applicable land use regulations in the first place. Adding that the process gives Council input on how well or poorly the City's regulations are working, he said the current system is fairly streamlined and not overly cumbersome.

Councilman Corman supported the change, saying that the current appeals process is at odds with Council's role to be representatives for its citizens. Not being able to seek additional testimony or clarification, or otherwise invoke himself in the process, made him feel as if he was not doing the job he was elected to do. Another problem with the current process is that it places all Councilmembers in the position of enforcing regulations that are appealed to the full Council, even if one or more of them did not support a particular land use regulation when it was originally adopted.

Councilman Parker agreed with Mr. Edwards that the current process gives citizens the opportunity to seek redress not before a Hearing Examiner or a Superior Court judge, but before its elected, local representatives.

Noting that appellants are often not Renton citizens but rather developers from outside the City, Councilman Clawson commented on the need for separation of powers and his belief that Council's role is to make the laws rather than apply them. Adding that Council's decisions in these cases are always appealable to Superior Court, he said he might feel differently if Council had the final authority.

Addressing a remark by Mr. Parker, Ms. Keolker-Wheeler explained that changes in State law have eliminated most of Council's discretion in these matters. She emphasized that Council can overturn or amend the Hearing Examiner's decision only if it finds an error of fact or law, which it usually does not. She noted another advantage to making this change would be that Councilmembers could discuss the specifics of these cases with the persons

involved, since such communications would no longer be prohibited.

Mr. Corman said the current quasi-judicial process creates a mere illusion that Council is able to serve or represent its constituents in these matters.

Mr. Edwards replied that for many people, taking a matter to court can be an intimidating prospect. He asked how many of these cases have been appealed to Superior Court this year. City Attorney Lawrence J. Warren said there have been two; one which was appealed from a City Council decision, and the other from a Board of Adjustment decision. Mr. Edwards added that when the City expedited its land use process, appeals to Council were retained as a safeguard for those involved.

Mrs. Keolker-Wheeler requested that the City Attorney explain his concerns on this issue as well as how State law regarding land use appeals has changed over the last 15 to 20 years. Mayor Tanner replied that the City Attorney is not a party to the debate before the Council, and thus would not be permitted to enter into the debate or issue a statement for or against the proposed change. Mrs. Keolker-Wheeler expressed disappointment that Council would not be provided with the requested information at this time.

*MOVED BY EDWARDS, SECONDED BY PARKER, COUNCIL TABLE THE MAIN MOTION UNTIL THE NEXT CITY COUNCIL MEETING SO ADDITIONAL INFORMATION CAN BE MADE AVAILABLE TO COUNCILMEMBERS. CARRIED.

Responding to Councilmember Keolker-Wheeler, Mayor Tanner stated that now that the motion was no longer pending before Council, he would make the services of any member of staff or of the Administration available to her.

NEW BUSINESS

Planning: Land Use Boundaries
for Gambling Uses

MOVED BY NELSON, SECONDED BY KEOLKER-WHEELER, COUNCIL REFER THE ISSUE OF LAND USE BOUNDARIES FOR GAMBLING USES TO THE PLANNING & DEVELOPMENT COMMITTEE. CARRIED.

Parks: Cedar River Ballfield
Naming

Noting the receipt of citizen comments regarding the naming of the new Cedar River ballfield park adjacent to Maplewood Golf Course, it was MOVED BY NELSON, SECONDED BY EDWARDS, COUNCIL REFER THIS MATTER TO THE COMMUNITY SERVICES COMMITTEE. CARRIED.

ADJOURNMENT

MOVED BY PARKER, SECONDED BY NELSON, COUNCIL ADJOURN. CARRIED. Time: 9:13 p.m.

MARILYN J. PETERSEN, CMC, City Clerk